

# **EXHIBIT C**

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

2011 AUG 31 AM 11:37

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS, FLORIDA

BILLY R. KIDWELL,  
Plaintiff

v.

G. RICHARD WAGONER, et al.,  
Defendants

Case No. 2:09-CV-108-FtM-36 DNF

NOTICE OF APPEAL

Plaintiff gives **NOTICE** that he appeals this Court's ORDER of August 9, 2011, served on him by Defendant's attorneys on August 11, 2011<sup>1</sup>, to the Eleventh Circuit Court of Appeals in Atlanta Georgia. [See Exhibit A attached hereto.]

As of the present, which is August 29, 2011, United States District Court Judge Charlene Edwards Honeywell, who has been engaging in intensive harassment of the *Severely Disabled Pro Se Litigant*, purposefully aggravating Plaintiff's disabilities, has not bothered to provide Plaintiff with even *minimum* Due Process, such as serving her August 9, 2011 Court ORDER on Plaintiff.

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<sup>1</sup> This Court has a pattern of issuing Court ORDERS, and not bothering to serve them on the *Pro Se Plaintiff* until two, or three days later, as sometimes evidenced by the Court's mail stamp on envelopes. Other times the Court's ORDERS appear to be timely stamped but just held at the Courthouse before mailing. This often cuts into Plaintiff's time limits to respond and is part of a long, documented pattern of discrimination against *Pro Se Litigants*, and the disabled in the Fort Myers District Court.

Plaintiff did, on August 26, 2011, receive service of a different Court ORDER from this Court titled "*Judgment in a Civil Case*" that is dated August 11, 2011.

Plaintiff gives **NOTICE** that he also appeals this Court's ORDER of August 11, 2011, recently served on him to the Eleventh Circuit Court of Appeals in Atlanta Georgia. [See Exhibit B attached hereto.]

Plaintiff has attached hereto the two Court ORDERS being appealed and marked them as Exhibits A and B.

Submitted by,

A handwritten signature in cursive script, appearing to read "B. Kidwell", is written over a horizontal line.

August 29, 2011

Billy Kidwell, *Pro Se*

5064 Silver Bell Drive

Port Charlotte, FL. 33948

941-627-0433

CERTIFICATE OF SERVICE

I, Billy Ray Kidwell, hereby certify that a true and correct copy of the attached was served on Defendants on this the 29<sup>th</sup> August 2011 by mailing a true and correct copy of same to their Attorney(s).

  
Billy Ray Kidwell

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

**BILLY R. KIDWELL,**

Plaintiff,

-vs-

Case No. 2:09-cv-108-FtM-36DNF

G. RICHARD WAGONER, GM CEO sued in a personal capacity, PERCY N. BARMEVIK, GM Board of Directors sued in personal capacity, ERSKINE B. BOWLES, GM board of Directors sued in a personal capacity, JOHN H. BRYAN, GM board of directors sued in a personal capacity, ARMANDO M. CODINA GM board of Directors sued in a personal capacity, GEORGE M.C. FISHER, GM Board of Directors sued in a personal capacity, KAREN KATEN, GM Board of Directors sued in a personal capacity, KENT KRESA, GM Board of Directors sued in a personal capacity, ELLEN J. KULLMAN, GM Board of Directors sued in a personal capacity, PHILLIP A. LASKAWY, GM Board of Directors sued in a personal capacity, E. STANLEY O'NEAL, GM Board of Directors sued in a personal capacity, ECKHARD PFEIFFER, GM board of Directors sued in a personal capacity, CAROLYN WESTBERG, GM customer relationship manager sued in a personal capacity, and GENERAL MOTORS COMPANY,

Defendants.

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**ORDER**

This case is before the Court upon periodic review. On February 11, 2011, Magistrate Judge Douglas Frazier entered an Order (Doc. 234) granting Plaintiff leave to file a Second Amended Complaint within thirty (30) days from the date of the order. Plaintiff filed a Notice of Interlocutory Appeal on March 2, 2011 (Doc. 235), which was dismissed by the Eleventh Circuit

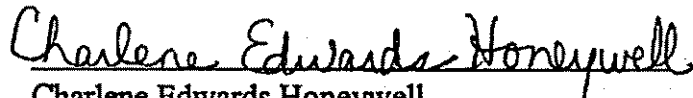
Court of Appeals on May 4, 2011 (Doc. 239). Thereafter, on July 19, 2011, Magistrate Judge Frazier directed Plaintiff to show cause in writing why this case should not be dismissed for failure to prosecute due to the Plaintiff's failure to file a Second Amended Complaint and failure to comply with a court order (Doc. 240). In that Order, Plaintiff was directed to file his Second Amended Complaint within fourteen (14) days of the date of the order (Doc. 240 at p.2).

As of the date on this Order, Plaintiff has failed to comply with the Court's Orders of February 11, 2011 and July 19, 2011. Plaintiff has not filed a Second Amended Complaint, nor has he requested another extension of time to file a Second Amended Complaint. The February 11<sup>th</sup> and July 19<sup>th</sup> Orders were mailed to Plaintiff's address of record and have not been returned to the Court. For failing to comply with the Court's Orders by filing a Second Amended Complaint and prosecuting this case, Plaintiff's action is subject to dismissal. *See* Fed. R. Civ. P. 41(b) and Rule 3.10, Local Rules of the Middle District of Florida. Accordingly,

It is hereby **ORDERED**:

1. The Complaint is **DISMISSED**, without prejudice.
2. The Clerk of Court is directed to terminate all motions and deadlines, enter judgment accordingly and close this case.

**DONE AND ORDERED** at Fort Myers, Florida, this 9th day of August, 2011.

  
Charlene Edwards Honeywell  
United States District Judge

Copies: All Parties of Record

# EXHIBIT B



**MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

**BILLY R. KIDWELL,**

**Plaintiff,**

**-vs-**

**Case No. 2:09-cv-108-FtM-36DNF**

**G. RICHARD WAGONER, GM CEO sued in a personal capacity, PERCY N. BARMEVIK, GM Board of Directors sued in personal capacity, ERSKINE B. BOWLES, GM board of Directors sued in a personal capacity, JOHN H. BRYAN, GM board of directors sued in a personal capacity, ARMANDO M. CODINA GM board of Directors sued in a personal capacity, GEORGE M.C. FISHER, GM Board of Directors sued in a personal capacity, KAREN KATEN, GM Board of Directors sued in a personal capacity, KENT KRESA, GM Board of Directors sued in a personal capacity, ELLEN J. KULLMAN, GM Board of Directors sued in a personal capacity, PHILLIP A. LASKAWY, GM Board of Directors sued in a personal capacity, E. STANLEY O'NEAL, GM Board of Directors sued in a personal capacity, ECKHARD PFEIFFER, GM board of Directors sued in a personal capacity, CAROLYN WESTBERG, GM customer relationship manager sued in a personal capacity, and GENERAL MOTORS COMPANY,**

**Defendants.**

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**JUDGMENT IN A CIVIL CASE**

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that pursuant to the Court's Order entered on August 9th, 2011, the Complaint is DISMISSED, without prejudice.

Date: August 11, 2011

SHERYL L. LOESCH, CLERK

By: /s/ Samantha Blake, Deputy Clerk

c: All parties and counsel of record

DRURY R. ANDERSON  
5064 Silver Bell Drive  
Port Charlotte, FL 33948  
United States of America



United States District Court  
Middle District of Florida  
United States Courthouse & Federal  
Building  
2110 First Street, Room 2-194  
Fort Myers, FL 33901

